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Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

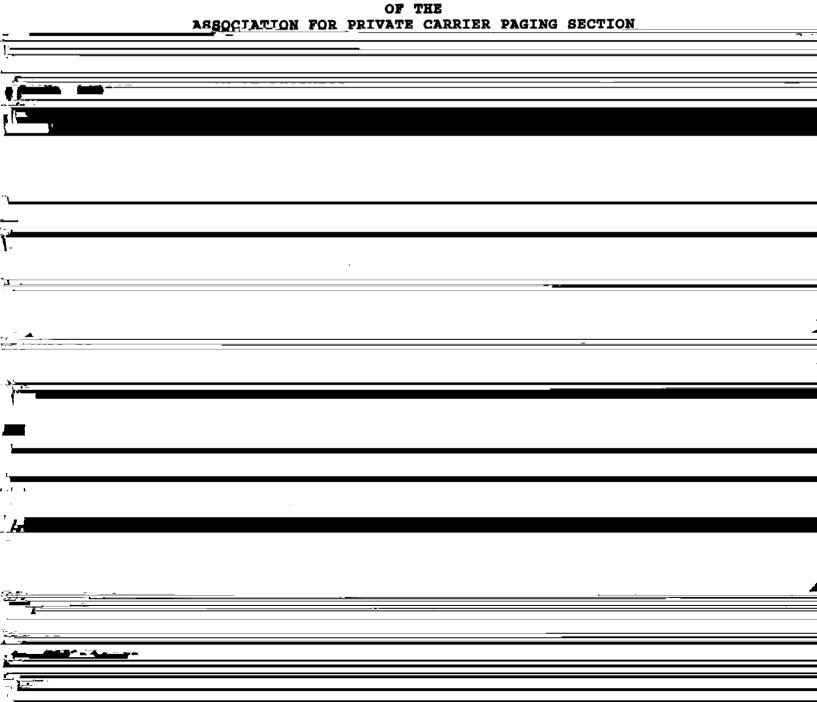
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FEDERAL COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Amendment of of the Commission's Rules) PR Docket No. 93-35
to Provide Channel Exclusivity To Qualified Private Paging) RM-7986
Systems at 929-930 MHz)

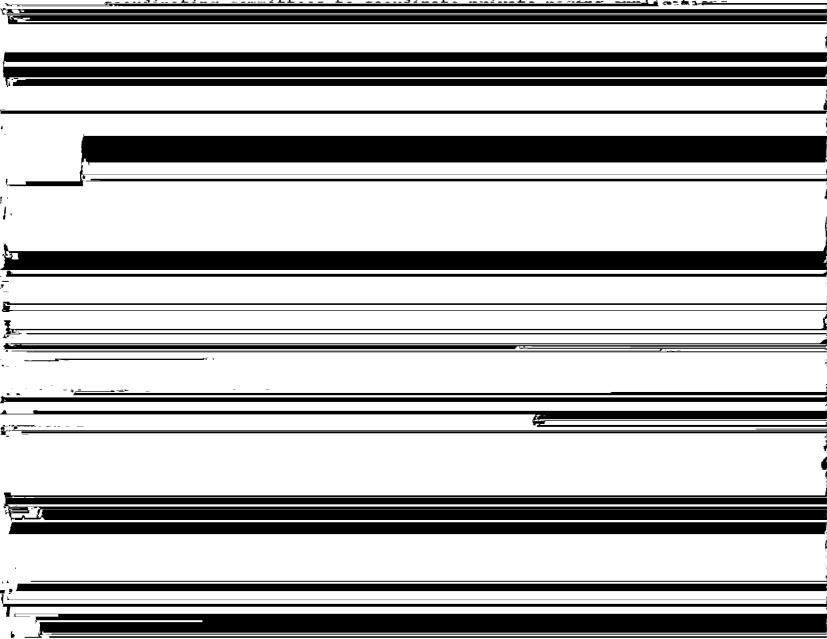
To: The Commission

REPLY COMMENTS



Commission proposed certain threshold criteria to obtain exclusivity of a frequency on a nationwide, regional or local basis. For the most part, the Commission's proposal in the Notice incorporated proposals made by APCP in its Petition. However, the Commission did make some significant modifications to APCP's initial proposals.

In its Comments, APCP generally supported the Commission's proposal, except for the proposal to permit multiple frequency



commenters also urged the Commission to re-consider its decision

possible, and not delay action as requested by certain commenters.

II. REPLY COMMENTS

APCP initially suggested that in order to achieve exclusivity of a channel on a local basis, except for the top three markets, a licensee must have a minimum of six contiguous transmitters constructed and placed in operation. In the top three markets of Los Angeles, Chicago, and New York, APCP recommended that the Commission require a minimum of 18 contiguous transmitters. These recommendations were made based on input from the APCP membership.

threshold of The Commission proposed a minimum transmitters in markets outside the top three markets, asked for alternate recommendations for the number of transmitters in the top three markets, and sought comment whether a higher threshold than six transmitters was necessary in markets other than the top three. Only one commenter suggested that APCP's recommendation of 18 transmitters was not necessarily appropriate, and recommended a number between 15 - 20. As there was not strong opposition to adopting a threshold of 18 contiguous transmitters in the top three markets to achieve channel exclusivity in these areas, APCP reiterates its position that this criterion is appropriate and should be adopted.

APCP's Petition did not request that channel exclusivity be granted for paging frequencies below 800 MHz. However, several

the shared paging-only channels below 800 MHz. APCP shares the concerns of these parties.

Therefore, APCP requests that the Commission reconsider the Commission's decision regarding APCP's Petition for Rule Making filed in October 1991.³ The Petition requested the Commission to modify its rules to require employment of terminal connection equipment or other similar methods upon recommendation of the frequency coordinator when applicants/licensees were proposing to share or are sharing a channel. APCP believed that this modification to the rules would optimize efficiency of channel sharing in these bands.

The Commission dismissed the Petition finding that a rule

coordinator's recommendations should be given more consideration than currently provided. Thus, APCP renews its request that the Commission consider amending its rules as requested in its prior Petition for Rule Making.

III. CONCLUSION

APCP urges the Commission to take action in this proceeding as soon as possible. Generally, APCP supports the Commission's proposal, except for certification of multiple coordinators, in this docket.

WHEREFORE, the Association for Private Carrier Paging Section of the National Association of Business and Educational Radio, Inc. respectfully requests the Federal Communications Commission to expeditiously take action in this proceeding.

Respectfully submitted,

ASSOCIATION FOR PRIVATE CARRIER PAGING

By:

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Date: May 21, 1993